

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
: Case No. 15-22872 (RDD)
SAMMY ELJAMAL, :
: Debtor. :
:-----x

**ORDER AUTHORIZING DISCOVERY PURSUANT TO
RULE 2004 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Upon the application, dated January 9, 2018 (the “Application”),¹ of Stephen S. Gray, not individually but solely in his capacity as the Chapter 11 trustee (the “Trustee”) of the estate of Sammy ElJamal (the “Debtor”) in the above-captioned case, for an order authorizing the issuance of subpoenas for the production of documents and information and deposition testimony; and upon the responsive letter to the Court, dated January 10, 2018 by counsel for the Debtor and the reply thereto, dated January 12, 2018 by counsel for the Trustee; and, after due deliberation, the Court having determined that the Application establishes good and sufficient cause for the relief granted hereby; and no hearing or additional notice being required except as set forth herein, it is hereby

ORDERED, that the Application is granted as provided herein pursuant to Fed. R. Bankr. P. 2004; and it is further

¹ Capitalized terms not defined herein shall have the meanings ascribed in the Application.

ORDERED, that the Trustee and/or his counsel are authorized to issue subpoenas for the production of documents and for deposition testimony consistent with Fed. R. Bankr. P. 2004 and 9016 concerning any asset, liability, duty, obligation, contract, transaction, or other issue related in any way to the Debtor, including those related in any way to any distributions realized by the Debtor, whether or not such distributions were actually received, from entities that the Debtor owned or owns and/or operates, including upon current and former professionals retained by the Debtor, financial institutions used by the Debtor (or affiliated entities), business partners of the Debtor, and affiliated entities (among others); and it is further

ORDERED, that subpoenas authorized by this Order may be served by overnight mail or any other method of service permitted under Fed. R. Bankr. P. 9016 or by other means agreed to by the subpoenaed parties, along with a copy of the Application and a copy of this Order; and it is further

ORDERED, that any subpoena issued pursuant to this Order shall provide at least 14 days notice to the recipient to provide the recipient an opportunity to object to the subpoena or to file any motion with the Court; and it is further

ORDERED, if any entity or person who receives a subpoena for the production of documents pursuant to this Order withholds any document on the basis of an asserted privilege, that entity is directed to provide a privilege log in accordance with Fed. R. Bankr. P. 7026 to the Togut Firm, One Penn Plaza, Suite 3335, New York, New York 10119, Attn.: Steven S. Flores, Esq., so as to be received with the document production required by the subpoena, or at such time as mutually

agreed to by the Trustee and the subpoenaed entity or person; and it is further

ORDERED, that entry of this Order is without prejudice to the rights of the Trustee to apply for any other or further relief, including but not limited to further relief under Fed. R. Bankr. P. 2004; and it is further

ORDERED, that the Court shall retain jurisdiction to hear and determine any and all matters arising from the interpretation and/or implementation of this Order.

Dated: White Plains, New York

January 17, 2018

/s/Robert D. Drain
HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE